REMARKS

Examiner has rejected Claims 1, 2, 4, 5 and 10 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,850,717 to Schiedegger et al. In response thereto, and to further clarify Applicants' invention, Applicants' have amended Claim 1 by replacing every appearance of the word "rectangular" before the word "portion" with the word "brickmoulding." Applicants' respectfully believe that the present amendment distinguishes Applicants' invention over the Schiedegger et al. device. Applicants respectfully request Examiner to note that Schiedegger et al. does not disclose a brickmoulding apparatus, but instead, a trim or dentil moulding apparatus specifically utilized as decorative moulding applicable along the exterior of a building where a vertical wall and soffit (overhang) adjoin (i.e., where the underside of a roof overhang meets the building wall) – an apparatus distinctly different from Applicants' brickmoulding apparatus, and brickmoulding in general. As such, Applicants' further respectfully believe that Schiedegger et al. is, in fact, non-analogous art, and should therefore be removed as a "prior-art" reference, as it does not anticipate Applicants' brickmoulding apparatus. Applicants' respectfully direct Examiner's attention to the arguments presented below in support of Applicants' assertion of Schiedegger et al. being non-analogous art, wherein the below-referenced and exhibited literature further clarifies the art of brickmoulding, and establishes the patentability of Applicants' claimed brickmoulding apparatus.

As Applicants' apparatus specifically pertains to brickmoulding, Applicants have enclosed some clarifying literature that Applicants' respectfully believe will assist Examiner in distinguishing Applicants' apparatus from the Schiedegger et al. device. With reference to Exhibit A, the definition of brick mould (highlighted therein) is as follows: A thick moulding used on an exterior door and window casing that abuts the exterior facing and provides a surface for brick or other siding to butt against. As Examiner is aware, Applicants' apparatus is for a window and doorframe brickmould having an integral J-channel. Applicants respectfully assert that the Schiedegger et al. patent does not teach, disclose or claim such a brickmoulding device or Applicants' claimed invention as now recited in amended Claim 1 above.

Additionally, unlike Applicants' one-piece brickmoulding apparatus, the Schiedegger et al. device is composed of a two-part product having a track member mounted independently of the decorative insert. However, due to rain, water, extreme heat and/or other natural weather elements, such a two-part configuration or design arrangement, even if utilized as a brickmoulding replacement apparatus, could disadvantageously result in each part warping differently or bowing to such a degree so as to result in disengagement of each part from one another (i.e., disengagement of the track member from the decorative insert), wherein such disengagement may potentially lead to water damage and/or rotting of the underlying material. As such, and with specific reference to Exhibit B, Applicants respectfully request Examiner to note the one-piece design of Applicants' preferred

embodiment brickmoulding apparatus, wherein such a one-piece design prevents the aforementioned disadvantages.

In view of the above-presented amendments and arguments, Applicants' respectfully believe that Applicants' brickmoulding apparatus is patentable over the Schiedegger et al. device, and accordingly request allowance of amended Claim 1 and associated dependent Claims 2-11.

Examiner has also rejected Claims 1, 2 and 11 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,090,174 to Fragale. In response thereto, and in view of the above-amended Claim 1, Applicant's respectfully reiterate the above-presented arguments. Specifically, the Fragale device does not pertain to brickmoulding, but rather to trim composed of two different substrates adhesively bonded to one another (i.e., metal sheet over a foam insert). As such, Applicants' respectfully assert that Fragale is non-analogous art that does not anticipate Applicants' claimed brickmoulding apparatus, and should therefore be removed as a "prior art" reference. Additionally, in view of the dual-substrate nature of the Fragale device, Applicants further respectfully assert that even if the Fragale device were to be utilized as brickmoulding, it would most likely result in the above-discussed disadvantages of bowing, warping an/or rotting, in addition to, or as a result of, delamination of the metal substrate from the foam substrate.

In view of the above-presented amendments and arguments, Applicants' respectfully believe that Applicants' brickmoulding apparatus is patentable over the Fragale device, and accordingly request allowance of amended Claim 1 and associated dependent Claims 2-11.

Additionally, Examiner has reject Claims 12, 13, 15, 16 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,090,174 to Fragale, and has further rejected Claim 18 under 35 U.S.C. 103(a) as being unpatentable over Fragale. However, pursuant to Examiner's Office Action Summary of the present Office Action (page 1 of paper No. 7), Examiner has allowed Claims 12, 13 and 15-20. As such, Applicants are confused as to the status of said Claims, and Examiner's treatment of same. Therefore, Applicant's respectfully request clarification of the status of said Claims. If said Claims have been rejected or objected to, Applicants respectfully request a non-final opportunity to respond to same.

CONCLUSION

The above-made amendments are to form only and thus, no new matter was added. Applicants respectfully believe the above-made amendments now place the Claims and application in condition for allowance. Should there be any questions or concerns, the Examiner is invited to telephone Applicants' undersigned attorney.

Respectfully submitted,

Dated: 6/10/2003

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Maria Altman
(Name of Person Mailing)

Maria Alt
(Signature of Person Mailing)

6/10/03
(Date)

Version With Markings to Show Changes Made

In the Claims:

Please replace Claim 1 with the following amended claim:

1. (Twice Amended) [A] An improved brickmoulding for use on the perimeter of windows and doors for receiving siding, comprising:

a solid [rectangular] brickmoulding portion comprising a width, a length, said length being greater than said width, and a thickness, said [rectangular] brickmoulding portion further comprising a bottom surface and a top surface, said bottom surface for overlaying a building structure;

a flange portion carried in approximately parallel relationship by said bottom surface of said [rectangular] brickmoulding portion, said flange portion extending beyond said width of said [rectangular] brickmoulding portion; and,

a channel for receiving siding, said channel being formed between said flange portion and said top surface.

Window Words

EXHIBIT A

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Term	Definition
A	
AAMA	American Architectural Manufacturers Association, a national trade association that establishes voluntary standards for the window, door, and skylight industry.
ADL	Authentic Divided Lite.
A-frame assembly	A backboard set on an angle that is used to stand windows up against during their final assembly process.
Air infiltration	The amount of air that passes between a window sash and the frame, measured in cubic feet of air per minute per square foot of area.
Air space	The space between the two glass lites in an insulated glass unit that is often filled with either nitrogen or argon gas. This space acts as an insulation and moisture barrier from the exterior of the window to the interior.
Angle bay windows	A composite of three or more windows, with flanking units projecting from the wall usually at either a 30- or 45-degree angle.
Annealed glass	Regular glass, which has not been heat strengthened or tempered. Most glass is annealed, as is standard sheet or plate glass. Annealing glass relieves internal stresses and improves strength and ductility.
ANSI	American National Standards Institute, the clearinghouse for all types of standards and specifications.
Arch top door lite	A door lite with a rounded or arch top.
Argon filled	A gas used in the air space of the insulated glass unit during the manufacture of the unit.
Assemblies	A collection of parts in sash and window production, which is in an intermediate stage of production or manufacture.
ASTM	American Society for Testing and Materials is a society of engineers that sets standards for testing of materials.
Awning window	A combination of a frame, one or more operative awning sash, weatherstripping, operating device, and optional screen assembled as a complete unit. It may contain one or more fixed sash in combination with the operating sash.
Azurlite	Blue-tinted glass used for increasing the shading coefficient.
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Balance	One of several types of mechanical sash-activation devices including coiled springs, spiral springs or other spring-type devices for raising or lowering the sash.
Balance cover (channel cover)	A vinyl cover that snaps into the balance channel to enclose the balance.

Bay window	Three or more individual windows projecting from the wall in a gently curved contour.
Bead	A semicircular or rounded profile machined into wood such as moulding. Also, a small moulding used to secure glass into sash or doors that is also called a stop.
Bedding	A glazing compound used on Series 30 and Series 70 sash, hand applied to the inside of the sash and machine-applied to the outside of the sash.
Bevel sawn	A cut made on an angle other than a right angle.
Bite	A term used in glazing that refers to the dimension by which the inner edge of the frame or glazing stop overlaps the edge of the glass.
Bittle	Another name for window glazing compound. Also known as mook, glaze, caulking, bedding, or bead.
Blind stop	A sash or window frame member applied to the exterior vertical edge of the side and head jamb in order to serve as a stop for the top sash and to form with the brick moulding and/or casing a rabbet for the storm sash, screen, blind, and shutter.
Bow window	A series of adjoining window units, most often five in number, which are installed on a radius. A bay window, which closely approximates an arc in appearance.
Box bay window	A composite of three or more windows with the flanking units projecting from the wall at a 90-degree angle.
Breakout	The process of separating pieces of glass which have been scored into separate pieces, including any waste which needs to be thrown away.
Brick mould	A thick moulding used on an exterior door and window casing that abuts the exterior facing and provides a surface for brick or other siding to butt against. It may be used to form a rabbet for screens, storm sash, or a combination door.
Bronze or gray-tinted glass	Two of the colors of glass, which can be purchased as an option when ordering windows.
Burn off	The excess vinyl formed when two pieces of vinyl window parts are heat-welded together and later removed by a cleaning process to smooth the weld.
Butyl tape	Type of glazing tape made from synthetic rubber that is used as a sealant and glazing tape on the Series 70 and ADL sash.

EXHIBIT B